



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

June 10, 2021

**Via Email**

Andrew K. Glenn, Esq.  
Glenn Agre Bergman & Fuentes LLP  
55 Hudson Yards – 19th Floor  
New York, New York 10001  
(212) 358-5600  
aglenn@glennagre.com

Atara Miller, Esq.  
Milbank LLP  
55 Hudson Yards  
New York, NY 10001  
(212) 530-5000  
amiller@milbank.com

Margaret A. Dale  
Member of the Firm  
d +1.212.969.3315  
f 212.969.2900  
mdale@proskauer.com  
www.proskauer.com

Re: Ambac's Statements Concerning Milliman Actuarial Reports

Dear Counsel:

As you know, we represent the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), for itself and as sole Title III representative of the Title III debtors in cases before the United States District Court for the District of Puerto Rico (the "Court").

In the past week, your client, Ambac Assurance Corporation ("Ambac"), has twice represented to the Court that Milliman, Inc. ("Milliman"), the actuary for the Commonwealth of Puerto Rico (the "Commonwealth"), advised Ambac the Oversight Board has caused Milliman to withhold publishing valuation reports for 2018 (the "Milliman Reports"). Specifically:

- On June 3, 2021, in the *Objection of Ambac Assurance Corporation, Pursuant to Bankruptcy Code Section 502 and Bankruptcy Rule 3007, to Claim Asserted by the Official Committee of Retired Employees of the Commonwealth of Puerto Rico Appointed in the Commonwealth's Title III Case*, Ambac (by Milbank) told the Court, "Milliman has represented that the determination to hold back the Milliman Reports has been made by the Board." ECF No. 16884 in Case No. 17-bk-3283, ¶ 15.
- On June 8, 2021, in *Ambac Assurance Corporation's Status Report Concerning Ambac's Urgent Motion to Compel Milliman Inc. to Comply with Subpoena Issued Pursuant to Court's January 13, 2021 Order Authorizing Rule 2004 Discovery*, Ambac (by Glenn Agre) told the Court, "Milliman [noted] the Board would make the determination when they [i.e., the Milliman Reports] will be published." ECF No. 16904 in Case No. 17-bk-3283, ¶ 10.



Andrew K. Glenn, Esq. & Atara Miller, Esq.  
June 10, 2021  
Page 2

Tellingly, Ambac never raised any such concern with the Oversight Board despite multiple conferences concerning Ambac's Rule 2004 discovery requests seeking, among other things, the Milliman Reports. Ambac's unfounded statements appear designed to imply the Oversight Board has "interfered" with publication of the Milliman Reports—which is not only false, but also raises substantial questions as to whether you have acted in good faith. In a written representation to the Court, Milliman has directly denied your assertions that it made such a statement. *See Milliman's Response to Ambac's Status Report Regarding Ambac's Motion to Compel*, ECF No. 16914 in Case No. 17-bk-3283, at 3.

The Oversight Board never gave any such directives to Milliman and it certainly never directed Milliman to "hold back" the Milliman Reports or told Milliman it would "determin[e]" when they would be published.

Given the seriousness of the circumstances, we believe this matter should be brought to the Court's attention. Before we proceed, please provide the factual basis for your assertions quoted above no later than this **Friday, June 11, 2021 at 5:00 p.m. Eastern Time**. In the alternative, please notify the Court that you are withdrawing Ambac's false statements that you represented Milliman made about the Oversight Board.

Sincerely,

A handwritten signature in black ink that reads "Margaret A. Dale". The signature is written in a cursive, flowing style.

Margaret A. Dale

cc: Frank S. Harrison, Esq.  
Madhu Pocha, Esq.  
Timothy W. Mungovan, Esq.